

MEMORANDUM OF UNDERSTANDING

BETWEEN

**THE MINISTRY FOR THE ENVIRONMENT, LAND AND SEA
OF THE REPUBLIC OF ITALY**

AND

**THE DEPARTMENT OF WATER AND SANITATION
OF THE REPUBLIC OF SOUTH AFRICA**

**ON TECHNICAL COOPERATION IN THE FIELD OF
SUSTAINABLE WATER INTEGRATED MANAGEMENT IN
RESPONSE TO CLIMATE CHANGE ADAPTATION AND
CLIMATE RESILIENCE**

PREAMBLE

The Ministry for the Environment, Land and Sea of the Republic of Italy and the Department of Water and Sanitation of the Republic of South Africa (hereinafter jointly referred to as the “Participants” and in the singular as a “Participant”)

RECALLING that the Government of the Republic of South Africa and the Government of the Republic of Italy are Parties to the United Nations Framework Convention on Climate Change (UNFCCC) and to its Kyoto Protocol;

TAKING INTO ACCOUNT the outcomes of the 21st session of the Conference of the Parties to the UNFCCC and the adoption of the Paris Agreement;

EMPHASISING that enhanced action and international cooperation on adaptation is urgently required to enable and support the implementation of adaptation actions aimed at reducing vulnerability and building resilience in developing country Parties, taking into account the urgent and immediate needs of those developing countries that are particularly vulnerable;

RECALLING that the European Union Water Framework Directive (WFD), provides a legislative approach to managing and protecting water and that water availability and sanitation is a crucial issue to tackle;

RECOGNISING that the inclusion of dedicated water sustainable development goals are coherent with the official recognition of the right to water and sanitation by the United Nations General Assembly in 2010, the outcomes of the United Nations Conference on Sustainable Development in 2012, the Report of the High Level Panel of Eminent Persons on the Post-2015 Development Agenda, and the messages delivered by Secretary-General Ban Ki-moon during the Budapest Water Summit and the General Assembly’s Thematic Debate on Water, Sanitation and Sustainable Energy in the Post-2015 Development Agenda;

TAKING INTO ACCOUNT the Letter of Intent between the Ministry for Environment, Land and Sea of the Republic of Italy and the Department of Environmental Affairs as well as the Department of Tourism of the Republic of South Africa on cooperation, done in Siracusa in Italy on 23 April 2009, which calls for a strengthening of bilateral cooperation in the areas of climate change, natural resources and environmental protection;

CONSIDERING the great potential and mutual opportunities in sustainable and integrated water management and related fields within the South African legislative framework and the Italian regional system including at a sub-national level recalled by this Memorandum of Understanding; and

CONSIDERING the experiences already promoted by Italian Regions in South Africa.

HAVE REACHED the following understanding:

PARAGRAPH 1

OBJECTIVES

The objectives of this Memorandum of Understanding (hereinafter referred to as “MOU”) are to—

- a. strengthen and coordinate the efforts of adaptation to climate change and address its adverse effects;
- b. promote measures and techniques aimed at enhancing the regional and local resilience in both countries cooperating on the sustainability and efficiency of water resources;
- c. develop activities and projects aimed at reducing climate change vulnerability through the provision of sustainable and integrated water management initiatives; and
- d. facilitate cooperation at a sub-national and regional level with public territorial entities from both countries to address the main topics such as education and training, research, development and innovation, technologies and techniques in the field of the water quality enhancement, water resource management, water service management, on-site and off-site and rural sanitation technology, especially in affected remote areas and wherever the water-energy-food nexus is concerned.

PARAGRAPH 2

AREAS OF CO-OPERATION

- (1) The Participants will cooperate in the following areas of common interest -
 - a. implementation of practices aimed at strengthening water treatment, rural, urban and on-site and off-site sanitation systems, human settlement appropriate systems, water conservation and sustainable and integrated water management including reusing wastewater for material and energy recovery, the nexus approach to water, energy and waste management and water desalinisation;
 - b. joint activities in the field of water resource protection, use, development, conservation, and control as regards planning, risk management policies, strategies and knowledge;
 - c. joint research and projects aimed at the enhancement of the water quality, the characterisation of integrated hydrology, also with the scouting of opportunities regarding geohydrological exploitation;
 - d. improvement of sanitation infrastructure to ensure sustainable service provision and encourage the introduction of alternative and/or innovative sanitation technologies;

- e. support to the implementation of the Participants' intended nationally determined contributions under the Paris Agreement , with a specific focus on adaptation issues;
 - f. development of public education and awareness campaigns on mitigation and adaptation to climate change;
 - g. exchange of experiences and development of joint research in the field of water and sanitation aimed at the implementation of mechanisms under the UNFCCC and its related instruments, and the promotion and development of the use of renewable energies associated with integrated water management;
 - h. resource sharing, technical cooperation and information exchange on the socio-economic aspects of water resources, climate change water-related policies and the development of appropriate adaptation strategies for the water sector in response to climate change, also in relationship to other global climate change initiatives; and
 - i. joint programs of capacity building for monitoring and reporting on climate change mitigation and adaptation.
- (2) The Participants commit to share all the needed information regarding any other bilateral initiatives taken by South African and Italian entities in the above-mentioned fields, subject to the domestic laws of the Participants.

PARAGRAPH 3

FORMS OF CO-OPERATION

The co-operation between the Participants will include-

- (i). the realisation of joint projects;
- (ii). capacity building, technology transfer and technical assistance;
- (iii). exchange of information and materials related to water resource management and environment, including programs, publications, expertise and study results, subject to domestic laws of the Participants;
- (iv). exchange of experts, practitioners and delegation visits;
- (v). joint organisation of workshops, seminars or other meetings;
- (vi). reciprocal participation of experts at events and projects;
- (vii). promotion of private sector participation women, youth empowerment, and other disadvantaged population groups; and
- (viii). water civil society bodies, including technology fairs and exhibitions and activities to implement public private partnership initiatives.

PARAGRAPH 4

ESTABLISHMENT OF A JOINT STEERING COMMITTEE

- (1) In order to ensure the efficient implementation of the provisions of this MOU, the Participants will establish a Joint Steering Committee (hereinafter referred to as “the Committee”) under the provisions of Paragraph 5.
- (2) Upon signature of this MOU, the Participants will appoint the experts who will prepare a medium-term work plan to be submitted for approval by the Committee as stipulated in Paragraph 5.
- (3) In the implementation of the programs, projects and activities consideration will be given to the participation of the public, private and non-profit sectors and where appropriate, universities, scientific and technical research bodies and non-governmental organisations, as well as institutions from both Participants.
- (4) Taking into account the legal framework of each Party and their respective domestic obligations, the implementation of programs, projects and activities will be based on principles of impartiality, equality, reciprocity and common interest.

PARAGRAPH 5

JOINT STEERING COMMITTEE

- (1) The Committee will be composed of three (3) representatives from the Department of Water and Sanitation of the Republic of South Africa and three (3) representatives from the Ministry for the Environment, Land and Sea of the Republic of Italy.
- (2) The Italian Ministry for the Environment, Land and Sea will be represented by the Director-General of the Directorate for “*Sustainable Development, Environmental Damage, European Union and International Affairs*” and two (2) experts.
- (3) The Department of Water and Sanitation of the Republic of South Africa will be represented by the Director-General of the Department of Water and Sanitation and two (2) Chief Directors, one representing the Free State regional office and the other the KwaZulu Natal regional office.
- (4) The Committee will provide general direction and give advice on cooperation, approve work plans, supervise and support the cooperation project activities and take financial decisions.
- (5) During its first meeting, the Committee will-
 - a. adopt rules and procedures and establish the frequency of meetings; and
 - b. approve the medium term work plan, including projects and activities, as applicable.

- (6) In subsequent meetings the Committee will-
 - a. coordinate the implementation of the cooperation in the areas specified in Paragraph 1; and
 - b. systematically review and assess the status, progress, results achieved, and lessons learnt from cooperation activities.
- (7) The first Committee will meet within 6 (six) months after the signature of this MOU.

PARAGRAPH 6

IMPLEMENTATION AND FUNDING

- (1) Any costs regarding the subject matter, including programs, activities, and projects under this MOU will be borne by the Participants as advised by the Committee in conformity with their respective domestic legislation. Such costs will be met with the available budgeted resources of the Participants and will not, in any way create additional expenditures for the Government of the Republic of South Africa and the Government of the Republic of Italy.
- (2) The Participants will jointly submit project proposals to various multilateral organisations, *inter alia*, the European Union Commission, international financial institutions, the United Nations organisations and the World Bank, to assist the Republic of South Africa to fulfill its commitments under the UNFCCC and its instruments.
- (3) The Participants will agree on the financial coverage for activities and establish a mechanism, under the provisions of their respective domestic laws, for granting transparency of expenditures, accounting and audit.

PARAGRAPH 7

APPLICABLE LAW

- (1) This MOU will not affect or prevent any rights and obligations of the Participants to third parties.
- (2) This MOU will be implemented in conformity with the Participants' obligations under international law, as well as with any other obligations arising from the membership of the Government of the Republic of Italy in the European Union. This MOU will similarly ensure that it complies with the Revised Protocol on Shared Watercourses in the Southern African Development Community (SADC).

PARAGRAPH 8
SETTLEMENT OF DISPUTES

Any dispute between Participants arising out of the interpretation or implementation of this MOU will be settled amicably through consultation or negotiations between the Participants.

PARAGRAPH 9
AMENDMENT

This MOU may be amended by mutual consent of the Participants through an Exchange of Notes between the Participants through the diplomatic channel.

PARAGRAPH 10
ENTRY INTO FORCE, DURATION AND TERMINATION

- (1) This MOU will become effective on the date of signature thereof by the Participants.
- (2) This MOU will remain effective for a period of five (5) years, after which it will be renewed automatically unless terminated in accordance with sub-Paragraph (3).
- (3) This MOU may be terminated by either Participant by giving six (6) months' written notice in advance through the diplomatic channel to the other Participant of its intention to terminate this MOU.
- (4) The termination of this MOU will not affect the completion of any unfulfilled project undertaken by the Participants prior to the termination thereof or the full execution on any cooperative activity that has not been fully executed at the time of termination, unless otherwise agreed upon in writing by the Participants.

Done at Johannesburg on this day of 18/10/2016 in two (2) original copies in the English and Italian languages, both texts being equally authentic.

Hon. Barbara Degani

FOR THE MINISTRY FOR THE
ENVIRONMENT, LAND AND SEA
OF THE REPUBLIC OF ITALY

Hon. Nomvula Pamela Mokonyane

FOR THE DEPARTMENT OF
WATER AND SANITATION OF
THE REPUBLIC OF SOUTH AFRICA